

FILED

AUG 10 2016

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
NORTH EASTERN DIVISION

Clerk, U.S. District Court
Texas Eastern

DAVID TIJERINA # 1672548

Plaintiff's Name and ID Number

TELFORD UNIT - 3899 STATE HIGHWAY 98

NEW BOSTON, TEXAS. 75570

Place of Confinement

CASE NO.

5:16cv102

(Clerk will assign the number)

REGINALDO F. STANLEY; JAMMIE L. BARKER;

v. JOHN DOE PHARMICIST; STEVEN L. ROBERTS;

TELFORD UNIT - 3899 STATE HIGHWAY 98

NEW BOSTON, TEXAS. 75570

Defendant's Name and Address

NORMA STEELE - TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

Defendant's Name and Address

CATHY McPEAK - TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

Defendant's Name and Address

DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.

Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.

You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure: Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.

When these forms are completed, mail the original and one copy to the clerk of the United States district court in the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YESXXXNO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:

Plaintiff(s) _____	N/A
Defendant(s) _____	N/A
 3. Court: (If federal, name the district; if state, name the county.) N/A
 4. Cause number: N/A
 5. Name of judge to whom case was assigned: N/A
 6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
 7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: TELFORD UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? XXXYES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: DAVID TIJERINA # 1672548

3899 STATE HIGHWAY 98

NEW BOSTON, TEXAS. 75570

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: REGINALDO F. STANLEY (MEDICAL PROVIDER) TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
FAILED TO DISCONTINUE INAPPROPRIATE MEDICATION AND DID NOT REFER ME TO A GI DOCTOR WHEN I FIRST COMPLAINED TO HIM ABOUT BLOOD IN MY STOOL

Defendant #2: JAMMIE L. BARKER (MEDICAL PROVIDER) TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
FAILED TO WAIT FOR LAB RESULTS BEFORE TREATING ME WITH INAPPROPRIATE MEDICATION AND FAILED TO ORDER AND GIVE ME MEDICATION PRESCRIBED BY A DOCTOR

Defendant #3: JOHN/DOE (PHARMACIST) - TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
DID NOT INFORMED ME ABOUT THE SIDE EFFECTS OF INAPPROPRIATE MEDICATION GIVEN TO ME AND REFUSED TO FILL PRESCRIPTION MEDICATION ORDERED BY A DOCTOR

Defendant #4: STEVEN L. ROBERTS (MEDICAL PROVIDER) TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
LEFT ME IN AN OBSERVATION CELL UNTREATED WHILE IN SEVERE ABDOMINAL PAIN AND THROWING UP AND JUST WATCHING ME WITH NO CONCERN

Defendant #5: NORMA STEELE (NURSE) TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
JUST WATCHING ME IN AN OBSERVATION CELL WHILE IN SEVERE ABDOMINAL PAIN AND THROWING UP AND JUST WATCHING ME WITH NO CONCERN

DEFENDANT #6: CATHY McPEAK (GRIEVANCE COORDINATOR) TELFORD UNIT

3899 STATE HIGHWAY 98 - NEW BOSTON, TEXAS. 75570

FAILED TO INSURE MEDICAL PROTECTION, PERSONAL SAFETY AND FAILED TO ACT OR ASSIST ME AFTER BEING INFORMED OF MY MEDICAL PREDICAMENTS THROUGH GRIEVANCES

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

(1) ON 1-13-15 PLAINTIFF WAS SCHEDULED TO VISIT MEDICAL PROVIDER DEFENDANT STANLEY FOR ABDOMINAL PAIN UNDER THE RIGHT RIB AND HEARTBURN AND HE PRESCRIBED ME RANITIDINE ZANTAC.

2) I CONTINUED TO HAVE ABDOMINAL PAIN AND KEPT SENDING DOCTOR STANLEY NUMEROUS SICK CALL REQUESSES COMPLAINING OF SEVERE PAIN AND BLOOD IN MY STOOL FROM 1-24-15 - 1-27-15. (SEE EXHIBIT A - IN APPENDIX A)

3) ON 1-28-15 I HAD BEEN WAITING TO SEE A MEDICAL PROVIDER BECAUSE THE ABDOMINAL PAIN ONLY GOT WORSE AND DEFENDANT STANLEY WAS ALERTED BY PRISON GUARDS WHO ONLY TOLD ME TO SUBMITT A SICK CALL REQUEST WHILE I WAS NEGLECTED TO ENDURE SEVERE ABDOMINAL PAIN WITHOUT KNOWING IF I WAS GOING TO DIE.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. TO RECEIVE THE PROPER MEDICAL TREATMENT AND MEDICATION FOR MY MEDICAL CARE AND SEEKING INJUNCTIVE RELIEF AND MONEY DAMAGES (\$50,000) FROM EACH DEFENDANT FOR DELIBERATE INDIFFERENCE AND EMOTIONAL AND MENTAL DISTRESS AND PHYSICAL PAIN.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.
DAVID TIJERINA

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

1672548

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ____ YES ____ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): ____ N/A ____

2. Case number: ____ N/A ____

3. Approximate date sanctions were imposed: ____ N/A ____

4. Have the sanctions been lifted or otherwise satisfied? ____ YES ____ NO

- 4) I CONTINUED TO ASK PRISON STAFF OFFICERS AT 6:14 PM FOR MEDICAL HELP AND SGT. WINGS TOLD ME THAT MEDICAL WAS CONTACTED AND DEFENDANT ROBERTS WAS TOLD I WAS THROWING UP AND HAVING SEVERE ABDOMINAL PAIN
- 5) DEFENDANT ROBERTS TOLD SGT WINGS NOT TO TAKE ME TO MEDICAL AND FOR ME TO DROP AND SUBMIT A SICK CALL REQUEST
- 6) I EXHAUSTED ALL THE GRIEVANCE PROCEDURES AGAINST ROBERTS AND THE GRIEVANCE HAS MERITS (SEE EXHIBIT B)
- 7) ON 1-29-15 I CONTINUED TO HAVE ABDOMINAL PAIN AND I HAD NOT SEEN THE PRISON MEDICAL PROVIDER AND I EVENTUALLY COLLAPSED IN MY PRISON CELL FLOOR
- 8) I WAS TAKEN TO THE PRISON CLINIC BY LT. ADCKOCK WHERE I WAS TRANSPORTED TO AN OUTSIDE FREEWORLD HOSPITAL WADLEY MEDICAL CENTER DUE TO VOMITING ACCOMPANIED BY ACUTE RIGHT SIDE ABDOMINAL PAIN
- 9) I WAS EXAMINED BY A WADLEY MEDICAL CENTER DOCTOR AND HE DETERMINED THAT THINGS APPEARED NORMAL WITH TENDERNESS AND I WAS TREATED WITH : " GI COCKTAIL-DONNATAL 10 ML; MAALOX SUSPENSION 10 ML; LIDOCAINE LIQUID 2% ML; AND RECOMMENDED PRESCRIPTION FOR PROTONIX (1) TABLET A DAY; ZOFRAM (1) TABLET EVERY 6 HOURS FOR NAUSEA; AND TO EAT A SOFT/BLAND MEAL "
- 10) I DID NOT RECEIVE THE ZOFRAM TABLET FOR MY UNCONTROLLABLE VOMITING NOR A SOFT/BLAND MEAL THAT WAS RECOMMENDED BY THE HOSPITAL MEDICAL CENTER DOCTOR (SEE ANTE # 9 AND SEE EXHIBIT C)
- 11) ON 2-6-15 I HAD A BLOOD TEST FOR "HELICOBACTER PYLORI"
- 12) ON 2-9-15 I WAS SCHEDULED TO VISIT PRISON MEDICAL PROVIDER DEFENDANT MRS. BARKER; SHE TOLD ME I WAS POSITIVE FOR HELICOBACTER PYLORI AND PRESCRIBED ME ANTIBIOTICS; METRONIDAZOLE 500 MG AND MINOCYCLINE 100 MG FOR 16 DAYS (SEE EXHIBIT D - PG.2 at #26)
- 13) DEFENDANT BARKER AND JOHN/DOE PHARMACIST DID NOT INFORM ME OF THE ADVERSE CONSEQUENCES OF THE MEDICATION OR SIDE EFFECTS SHE PRESCRIBED FOR ME AND I NEVER SIGNED ANY DOCUMENT THAT I UNDERSTOOD THE ADVERSE CONSEQUENCES OF TAKING SUCH PRESCRIBED MEDICATION. THIS PROCEDURE WAS NEGLECTED AND IGNORED AND PROPER GUIDELINES WERE NOT FOLLOWED AND THIS TREATMENT WAS ORDERED EVEN THOUGH PLAINTIFFS LAB RESULTS FOR THE BLOOD TEST HAD NOT YET BEEN REPORTED (SEE ANTE# 12)
- 14) ON 2-10-15 MY BLOOD RESULTS FOR " HELICOBACTER PYLORI " CAME BACK NEGATIVE AND I WAS LEFT WITH THE SAME MEDICATION TO KEEP TAKING (SEE EXHIBIT E)
- 15) AFTER THE SECOND DAY OF TAKING THE ANTIBIOTICS (SEE ANTE# 12) I WAS IN SEVERE ABDOMINAL PAIN AND I COULD NOT CONTROL MY VOMITING AND I ALERTED THE PRISON STAFF THROUGHOUT THE DAY
- 16) THE PRISON STAFF OFFICERS ONLY TOLD ME THAT MEDICAL WAS CONTACTED AND THAT MEDICAL DID NOT WANT TO SEE ME AND I WAS ORDERED TO FILL OUT A SICK CALL REQUEST AND I WAS REFUSED MEDICAL ASSISTANCE WHICH COULD HAVE BEEN FATAL

- 17) I EXHAUSTED THE GRIEVANCE PROCESS AGAINST THE PRISON STAFF OFFICERS WHO I DID NOT BELIEVE THAT MEDICAL DID (NOT) WANT TO SEE ME AND INSTRUCTED ME TO FILL OUT A SICK CALL REQUEST
- 18) (SEE EXHIBIT F GRIEVANCE STEP 1 RESPONSE). OFFICER C.BRALEY AND OFFICER G.GRISHAM BOTH STATED ALONG WITH LT. J SMITH THAT MEDICAL WAS CONTACTED FOR ME ON 2-10-15 AND THAT MEDICAL INSTRUCTED ME TO COMPLETE A SICK CALL REQUEST AND AGAIN MEDICAL STAFF IGNORED AND NEGLECTED THE SEVERITY OF MY CONDITION
- 19) I EVENTUALLY COLLAPSED IN PAIN IN MY CELL AND THE 2nd SHIFT OFFICERS FOUND ME FLAT ON MY FACE VOMITING UNRESPONSIVE AND THIS COULD HAVE BEEN PREVENTED HAD I BEEN TAKEN TO MEDICAL AND GIVEN MEDICAL ATTENTION WHEN I HAD ALERTED THE PRISON STAFF OFFICERS (SEE ANTE# 18)
- 20) I WAS TAKEN IMMEDIATELY TO THIS PRISON INFIRMARY AND THEN TRANSPORTED TO WADLEY REGINAL MEDICAL CENTER HOSPITAL FOR SEVERE ABDOMINAL PAIN AND UNCONTROLLED VOMITING
- 21) WHILE I WAS AT WADLEY REGINAL MEDICAL CENTER MULTIPLE EXAMS AND TEST WERE CONDUCTED AND I WAS TREATED WITH; NS 0.9% 1000 ML; ZOFRAM 4 MG FOR MY VOMITING ; AND MORPHINE 4 MG FOR MY ABDOMINAL PAIN
- 22) THE E.R DOCTOR NOTED THAT I HAD/HAVE STOMACH PAIN OF UNKNOWN ORIGIN AND TOLD ME I NEEDED TO HAVE A GI DONE AND RECOMMENDED PRESCRIPTION MEDICATION: PROTONIX (1) TABLET DAILY; ULTRAM (1) TABLET EVERY 6 HOURS FOR PAIN CONTROL; AND A LOW RESIDUE DIET MEAL (SEE EXHIBIT G)
- 23) I DID NOT RECEIVE THE ULTRAM TABLET FOR MY PAIN NOR THE LOW RESIDUE DIET MEAL THAT WAS RECOMMENDED BY THE FREEWORLD ER DOCTOR
- 24) DEFENDANT BARKER AND JOHN/DOE PHARMACIST AND PRISON MEDICAL PROVIDERS CONTINUED TO IGNORE THE FREEWORLD DOCTORS ORDER AND CONTINUED TO GIVE ME ANTIBIOTICS THAT WAS GIVING ME AN ADVERSE REACTION IN VOMITING AND ABDOMINAL PAIN (SEE ANTE# 12)
- 25) ON 2-18-15 I WAS SCHEDULED TO VISIT DEFENDANT STANLEY AND WAS TOLD THE LAB RESULTS FOR "HELICOBACTER PYLORI" (SEE ANTE# 11) WERE NEGATIVE AND THE ANTIBIOTICS WOULD BE DISCONTINUED (SEE ANTE# 12)
- 26) I CONTINUED TO COMPLAIN OF ABDOMINAL PAIN AND REQUESTED TO VIEW THE LAB TEST RESULT RECORDS FOR HELICOBACTER PYLORI AND DEFENDANT STANLEY REFUSED TO SHOW ME AND ORDERED ME BACK TO MY CELL WHERE I SUBMITTED A SICK CALL REQUEST TO VIEW THE LAB RECORDS (SEE EXHIBIT H)
- 27) ON 2-19-15 I EXHAUSTED THE GRIEVANCE PROCESS WHICH I MADE A COMPLAINT THAT DEFENDANT STANLEY REFUSED TO SHOW ME THE LAB RESULTS FROM 1-29-15 (SEE ANTE# 7-10) AND 2-9-15 (ANTE# 12)
- 28) I STATED IN THE STEP 1 GRIEVANCE THAT I WAS STILL BEING GIVEN ANTIBIOTICS (SEE EXHIBIT I - STEP 1 AND STEP 2) AND ACTIONS REQUESTED WERE DENIED
- 29) ON 2-20-15 I WAS IN EXTREME DISTRESS FROM ABDOMINAL PAIN AND I COULD NOT PASS STOOL AND PRISON STAFF ALERTED MEDICAL AND DEFENDANT BARKER ORDERED X-RAY TEST

- 30) THIS INDICATED MASSIVE AMOUNTS OF GAS/STOOL AND INGESTED MEDICATION; DEFENDANT STANLEY FAILED TO DISCONTINUE THE MEDICATION (ANTE# 25) (SEE EXHIBIT J)
- 31) I WAS DIAGNOSE WITH SEVERE CONSTIPATION AND RECEIVED A BOTTLE OF MAGNESIUM CITRATE 300 ML
- 32) ON 2-24-15 I RECEIVED MY LAST DOSE OF ANTIBIOTICS (SEE ANTE# 12)
- 33) ON 3-7-15 I LOST CONSCIOUSNESS IN MY CELL DUE TO EXTREME ABDOMINAL PAIN/VOMITING AND NOT BEING ABLE TO PASS STOOL
- 34) I WAS THEN TAKEN TO THE PRISON INFIRMARY ON A GURNEY AND ABANDONED IN AN OBSERVATION CELL TO DIE IN EXTREME PAIN BY DEFENDANTS ROBERTS AND STEELE
- 35) I WAS NOT RECEIVING ANY MEDICAL TREATMENT AND I EXHAUSTED THE GRIEVANCE PROCESS AGAINST DEFENDANTS ROBERTS AND STEELE FOR THEIR NEGLIGENCE AND LACK OF CONCERN WITHOUT OBTAINING ANY RELIEF (SEE EXHIBIT K) AND (ANTE# 34) WHILE THESE DEFENDANTS KEPT RESCHEDULING MEDICAL APPOINTMENTS
- 36) ON 3-23-15 I WAS WAITING FOR MEDICAL PROVIDERS TO LAY ME IN TO SEE THEM AND TREAT ME SINCE I HAD BEEN SUBMITTING NUMEROUS SICK CALL REQUESES (SEE ANTE# 35) COMPLAINING OF SEVERE ABDOMINAL PAIN
- 37) I HAD ALERTED THE PRISON STAFF OFFICERS WHO ESCORTED ME TO THE MEDICAL CLINIC WHERE MRS. BARKER ORDERED A X-RAY INDICATING A COPIOUS AMOUNT OF STOOL IS PRESENT IN THE COLON AND BOWEL GAS PATTERN IS NONOBSTRUCTIVE AND A FEW PHLEBOLITHS ARE SEEN ON THE PELVIS (SEE EXHIBIT L)
- 38) DEFENDANT BARKER PRESCRIBED (1) BOTTLE OF MAGNESIUM CITRATE 300 ML AND SAID SHE WOULD REFER ME TO THE GI DOCTOR IN 3 MONTHS IF MY SYMPTOMS AND CONDITIONS DID NOT IMPROVE (SEE EXHIBIT D - AT PG# 2 #52)
- 39) ON 4-27-15 I WAS SCHEDULED TO VISIT DEFENDANT BARKER BECAUSE I WAS COMPLAINING OF NOT BEING ABLE TO PASS STOOL; THROAT SWELLING AND HAD SORES IN MY MOUTH AND DISCOLORATION OF MY GUMS (SEE EXHIBIT M)
- 40) BARKER MADE ORDERS FOR ME TO TAKE MAGNESIUM CITRATE 300 ML TO HELP PASS STOOL (SEE EXHIBIT D - PG(2)AT #55) AND AMOXICILLIN 500 MG FOR MY MOUTH SORES (SEE EXHIBIT D - PG(1) AT #55)
- 41) ON 5-12-15 I CONTINUED TO HAVE ABDOMINAL PAIN AND WAS TRANSPORTED TO WADLEY REGIONAL MEDICAL CENTER
- 42) EXAMINATION AT THE HOSPITAL MADE FINDINGS AND DIAGNOSE ME WITH IRRITABLE BOWEL SYNDROME (IBS) AND RECOMMENDATIONS WERE THAT I RECEIVE; BENTYL 20 MG (1) TABLET EVERY 6 HOURS WHICH TREATS (IBS) AND FURTHER EVALUATION WOULD NEED TO BE DONE (SEE EXHIBIT N)
- 43) I NEVER RECEIVED THE BENTYL TABLET INSTEAD I WAS ORDER TO GET "METOCLOPRAMIDE" 10 MG (1) TABLET TWICE DAILY FOR 3 DAYS (SEE EXHIBIT D - PG.(2) AT # 58)

- 44) ON 5-15-15 I WAS SCHEDULED TO VISIT DEFENDANT BARKER AND SHE TOLD ME I HAD BEEN DIAGNOSED WITH (IBS) (ANTE# 42) AND THAT I WAS AT HIGH RISK AT GETTING COLON CANCER AND DISCONTINUED MY MEDICATIONS; AND,
- 45) BARKER TOLD ME I HAD A STOMACH INFECTION AND WOULD ORDER MEDICATION TO HELP FIGHT IT AND PAIN MEDICATION. THIS ESTABLISHES THAT SHE INTERFERED AND IGNORED THE DOCTORS ORDER FROM WADLEY REGINAL MEDICAL CENTER (SEE ANTE# 42 AND ANTE# 43)
- 46) I NEVER RECEIVED ANY OF THE MEDICATIONS THAT BARKER SAID SHE WOULD ORDER FOR ME AND I SENT SEVERAL SICK CALL REQUESES REQUESTING FOR THE MEDICATION AND THOSE REQUESES WERE IGNORED
- 47) ON 5-28-15 DEFENDANT STANLEY FINALLY ORDERED LAB WORK ON ME FOR (EGD) AND COLONOSCOPY AFTER I CONTINUED TO HAVE SEVERE ABDOMINAL PAIN
- 48) ON 6-26-15 I WAS SUFFERING FROM SEVERE ABDOMINAL PAIN (BURNING PAIN) AND I HAD REALIZED BLOOD IN MY STOOL (ANTE# 2) AND I WAS TAKEN TO THE PRISON INFIRMARY ON A GURNEY AND DEFENDANT STEELE ASKED ME WHY DIDN'T I LEAVE ON MEDICAL CHAIN THIS MORNING ?
- 49) I COULD NOT EVEN MOVE SO X-RAYS WERE TAKEN OF MY ABDOMINAL INDICATING MASSIVE AMOUNTS OF GAS AND STOOL
- 50) BARKER HAD TRANSPORTED ME BY HER REQUEST TO AN OUTSIDE FREEWORLD HOSPITAL BY AMBULANCE AND MORPHINE WAS ADMINISTERED FOR PAIN AND WAS GIVEN A CT SCAN AND I WAS TOLD IT WAS NORMAL BUT NEEDED A FOLLOW UP WITH A GI DOCTOR
- 51) I HAD EXHAUSTED THE GRIEVANCE PROCESS AGAINST THE MEDICAL PROVIDERS FOR DELAYING AND DENYING ME ACCESS TO LEAVE ON MEDICAL CHAIN (ANTE# 48) WITHOUT OBTAINING ANY RELIEF (SEE EXHIBIT O)
- 52) ON 6-27-15 I WAS GIVEN 1 BOTTLE OF MAGNESIUM CITRATE 300 ML BY STEELE TO HELP FLUSH OUT MY INTESTINES (SEE ANTE# 49) WHICH MADE ME VOMIT 10 MINUTES AFTER TAKING IT
- 53) ON 6-29-15 I HAD A BMS TELEMEDICINE WITH A MD DOCTOR FROM GALVESTON TEXAS AND HE EXPLAINED TO ME HOW I DEVELOPED (IBS)(ANTE# 44) AND THAT AFTER I WAS GIVEN "METRONIDAZOLE AND MINOCYCLINE" (ANTE# 12) THATS WHAT WAS CAUSING VOMITING AND MY SUFFERING BECAUSE THE WRONG MEDICATION WAS GIVENED TO ME
- 54) THE MD DOCTOR TOLD ME I WAS CORRECT AND RECOMMENDED ME FIBER LAXATIVES AND OMEPRAZOLE AND TOLD ME I WOULD BE SEEN ANYWHERE FROM 30 TO 90 DAYS
- 55) ON 6-30-15 I WAS GIVENED A SMALL ENEMA BECAUSE I COULDN'T PASS STOOL AND IT DID NOT WORK SO A BIGGER ENEMA WAS GIVENED TO ME WHICH WORKED
- 56) ON 8-3-15 I AWOKE IN SEVERE PAIN ACCOMPANIED WITH VOMIT AND WAS TAKEN TO MEDICAL AND GIVEN A SMALL ENEMA DUE TO NOT BEING ABLE TO PASS STOOL FOR 5 DAYS
- 57) ON 8-5-15 I WAS SCHEDULED TO VISIT BARKER AND I REQUESTED THE MEDICATION FOR MY STOMACH INFECTION THAT SHE HAD SAID SHE WOULD ORDER FOR ME (ANTE# 45) AND BARKER CLAIMED SHE DID NOT REMEMBER TELLING ME THAT;
- 58) I THEN REQUESTED A MEAT FREE TRAY FROM BARKER AND SHE TOLD ME SHE COULD NOT ORDER ME A MEAT FREE TRAY AND TOLD ME TO WRITE THE PRISON UNIT CHAPLAIN

- 59) I HAD BEEN SENDING NUMEROUS SICK CALL REQUESES REQUESTING A MEAT FREE TRAY THAT WAS RECOMMENDED (ANTE# 10 AND ANTE# 23) A LOW-RESIDUE DIET AND THE CHAPLAIN RESPONDED THAT HE HAS NOTHING TO DO ORDERING MY MEALS FROM THE KITCHEN DEPARTMENT
- 60) I CONTINUED TO REQUEST MEDICATION FOR MY STOMACH INFECTION (ANTE# 45) AND OTHER MEDICATIONS BY WRITTING I-60 LETTERS TO THE SENIOR MANAGER PRACTICE DEFENDANT CATHY McPEAK WHO TOLD ME TO SEND A SICK CALL REQUEST IF SYMTOMS WORSEN (SEE EXHIBIT P)
- 61) ON 8-21-15 MD. DOCTOR LARSON PERFORMED A ENDOSCOPY, UPPER AND COLONOSCOPY PROCEDURE ON ME, THE ENDOSCOPY, UPPER SHOWED VERY TENDER SKIN AND COLONOSCOPY SHOWED A INTERNAL HEMMORROID AND COLON POLYP(s)
- 62) BUT MRS.BARKER REFUSED TO SHOW ME THE IMAGES OF THE COLON POLYP(s), COLONOSCOPY REPORTS IS MISSING IMAGES (1)(5)(6)AND(9) (SEE EXHIBIT Q), PERHAPS ESTABLISHING MRS.BARKER MEDICAL MALPRACTICE
- 63) I WAS AWAKE DURING THE 2 PROCEDURES (ANTE# 61) AND SEEN THE VIDEO AND HEARD LARSON SAY I HAVE COLON POLYP(s) AND ITS NOT LIFE THREATENING IF HE EATS VEGTABLES
- 64) THE COLONOSCOPY REPORT (ANTE# 62) RECOMMENDED THAT I RECEIVE MULTIVITAMINS; CALTRATE; AND MIRALAX WHICH I NEVER RECEIVED
- 65) ON 9-4-15 I WAS ESCORTED TO THE PRISON INFIRMARY AND DOCTOR MORELAND ORDERED THE CALTRATE MEDICATION AND I HAD COMPLAINED OF BLOOD IN MY STOOL AND SHE SAID IT WAS A BLEEDING HEMMORROID
- 66) ON 9-9-15 I WAS SCHEDULED TO GO SEE BARKER AND I REQUESTED TO RULE OUT THE COLON POLYP(s) AND RECEIVE MY MULTIVITAMINS AND MIRALAX THAT WAS RECOMMENDED (ANTE# 64)
- 67) MRS. BARKER REFUSED THAT I HAD COLON POLYPS AND REFUSE TO ORDER THE MEDICATION THAT WAS RECOMMENDED (ANTE# 64)
- 68) I EXHAUSTED THE GRIEVANCE PROCESS AGAIN AGAINST DEFENDANT BARKER AFTER TRYING TO RESOLVE THE PROBLEM (ANTE# 66)
- 69) THE COMPLAINT ALSO ALLEGED THE DENIAL/DELAY AND REFUSING TO ORDER MY MEDICATIONS THAT HAS LEAD TO MY WORSENING CONDITIONS AND I DID NOT OBTAIN ANY RELIEF (SEE EXHIBIT R) AND ANTE(s)#10 -#23 -#46 -#47 -#60 -#66 -#67 AND ANTE# 43)
- 70) ON 9-25-15 I HAD BEEN REQUESTING MEDICAL ASSISTANCE FOR 1 WEEK AND FINALLY, I WAS ESCORTED TO THE PRISON INFIRMARY AFTER COMPLAINING TO THE PRISON STAFF OFFICERS
- 71) AND, I WAS PLACED IN A OBSERVATION CELL TO WAIT AND DEFENDANT BARKER ARRIVED TO THE GLASS WINDOW AND TOLD ME SHE WOULD BE DOING SICK CALL(s) IN SEG. BUILDING AND IF I WANTED TO BE SEEN, THE OFFICERS WOULD HAVE TO ESCORT ME BACK TO THE SEG. BUILDING WITHOUT ASKING THE OFFICERS TO BRING ME TO THE BUILDING SO SHE COULD SEE ME
- 72) I WAITED FOR (3) HOURS AND WAS ESCORTED BACK TO MY CELL WITHOUT SEEING BARKER AND REQUESTED TO TALK TO THE RANK OFFICIALS WHO TOOK ME TO THE PRISON CLINIC

- 73) WHEN I WAS TAKEN TO THE INFIRMARY I EXPLAINED TO MRS.BARKER THAT I HAD NOT BEEN ABLE TO PASS STOOL AND THAT I WAS HAVING ABDOMINAL PAIN AND REQUESTED PAIN MEDICATION AND SHE SAID SHE COULDN'T PRESCRIBE PAIN MEDICATION AND THAT SHE DID NOT CARE IF I WROTE HER UP COMPLAINING ABOUT THIS ON A GRIEVANCE
- 74) I TOLD MRS.BARKER THAT THE MEDICATION SHE PRESCRIBED FOR ME HAD SEVERE SIDE EFFECTS AND WAS MAKING ME REAL SICK (ANTE # 12) AND THATS WHY WERE TALKING ABOUT IT TO RESOLVE THE PROBLEM
- 75) BARKER ORDERED ME THEN TO TAKE A X-RAY WHICH INDICATED NONOBSTRUCTIVE BOWEL GAS PATTERN THAT COULD BE SEEN AND SMALL AMOUNT OF STOOL IN THE COLON AND "PHLEBOLITHS" ARE SEEN IN THE PELVIS (SEE EXHIBIT S)
- 76) BARKER SAID SHE WOULD REQUEST ACIDOPHILUS FROM PHARMACY AND CARBAMAZEPINE FOR PAIN AND ASKED ME TO TAKE MAGNESIUM CITRATE 300 ML AND I REFUSED THE MAGNESIUM DUE TO IT MAKING ME VOMIT IN THE PAST AND SHE KNEW THIS (ANTE # 52)
- 77) ON 10-11-15 THE PILL NURSE TOLD ME THAT THE CARBAMAZEPINE PAIN MEDICATION WAS DISCONTINUED SO AS TO NOT CONFLICT WITH THE ACIDOPHILUS MEDICATION ONCE I RECEIVE IT (ANTE # 76)
- 78) I WAS TOLD I WAS GOING TO BE GETTING PROBIOTICS/ACIDOPHILUS THROUGH AN I-60 RESponce BY PINKERTOR-RN ON 10-5-15 AS I HAD BEEN CONTINUOUSLY REQUESTING IT
- 79) ON 10-12-15 I WAS SCHEDULED TO VISIT BARKER AND SHE ASKED IF I HAD RECIEVED HER PROVIDER TO PATIENT COMMUNICATION LETTER REGARDING THE PHARMACY DENYING THE ACIDOPHILUS MEDICATION
- 80) I TOLD BARKER "NO" AND ASKED HER WHY WAS IT DENIED ?? SHE SAID THEIR REASON WAS IT HAS QUESTIONABLE RESULTS AND I THEN ASKED HER ABOUT THE PHLEBOLITHS ON MY PELVIS (ANTE # 37 AND ANTE # 75)
- 81) BARKER REPLIED "THEIR JUST BUMPS" AND I INQUIRED ABOUT THE MISSING IMAGES IN THE COLONOSCOPY REPORT AND SHE ORDERED ME BACK TO MY CELL (ANTE # 62)
- 82) ON 10-14-15 I MADE A COMPLAINT AFTER I HAD BEEN TRYING TO RESOLVE THESE PROBLEMS AS I HAD WRITTEN TO THE SENIOR PRAC T MANAGER THAT I WAS NOT RECEIVING MY MEDICATION (ANTE # 60)
- 83) IN THE COMPLAINT I CLAIMED McPEAK REFUSED TO RESPOND TO MY COMPLAINTS ABOUT NOT GETTING MY MEDICATION AND I ALSO WROTE TDCJ-HEALTH SERVICES DIVISION SEEKING HELP DUE|| TO;
- 84) DUE TO MY COMPLAINTS BEING UNANSWERED AND THAT BARKER HAD FAILED TO WAIT FOR THE LAB RESULTS BEFORE GIVING ME MEDICATION THAT HAD ADVERSE EFFECTS ON ME AND LIED TO ME ABOUT MY CONDITIONS AND LEFT ME TAKING THE SAME MEDICATION AFTER THE LAB REPORTS CAME BACK NEGATIVE (ANTE # 12 AND ANTE # 32)
- 85) DEFENDANT STANLEY ALSO FAILED TO DISCONTINUE THE MEDICATIONS (ANTE # 25-28-# 30) AND ALSO SEE GRIEVANCES AND PLAINTIFFS LETTERS SEEKING HELP AND RESponce FROM TDCJ HEALTH SERVICES DIVISION AND COMPLAINTS TO McPEAK AT EXHIBIT T)

- 86) ON 10-15-15 I RECEIVED A PROVIDER TO PATIENT COMMUNICATION LETTER THROUGH MAIL (ANTE# 79) AND SUBMITTED SICK CALLS REQUESTING INFORMATION ABOUT MY DIAGNOSE THAT I DID NOT UNDERSTAND (SEE EXHIBIT U)
- 87) ON 10-20-15 THE MEDICAL NURSE RECORDED MY CONSTANT HISTORY OF HIGH BLOOD PRESSURE SINCE MY CONDITIONS HAVE ESCALATED AND THE NURSE TOLD ME THAT "PHLEBOLITHS IS INFLAMATION OF THE PELVIS" (SEE ANTE# 37 AND ANTE# 75)
- 88) ON 10-23-15 I EXHAUSTED THE GRIEVANCE PROCESS AGAINST DEFENDANT BARKER AND JOHN/DOE PHARMACIST REGARDING ANTE(s)#13- #44 -#70 -#76 -#81 WHICH HAS BEEN AN ONGOING PROBLEM THAT I WASN'T ABLE TO GET ANY SATISFACTORY RESOLUTION FROM (SEE EXHIBIT V)
- 89) ON 11-6-15 I ARRIVED AT GALVESTON TEXAS HOSPITAL AND HAD A 45 MINUTE DISCUSSION WITH A MD DOCTOR WHO TOLF ME OF MY CONDITIONS WORSENING AND THAT I HAD DEVELOPED INTESTINAL INFLAMATION AND MUSULOSKELETAL
- 90) THE MD DOCTOR ASKED ME IF IVE BEEN RECEIVING THE MIRALAX MEDICATION (ANTE# 64) AND I TOLD HIM "NO" AND THE DOCTOR SAID HE WOULD RE-RECOMMEND THEM (SEE EXHIBIT W) WHICH THE MEDICAL RECORDS SHOW A IMMUNIZATION/INJECTIONS BUT WAS NEVER REVIEWED AND SAID THAT I DID NOT NEED ANY FOLLOW UPS
- 91) I WAS ASKING FOR MEDICATION TO HELP WITH THE INFECTION AND THE MD DOCTOR TOLD ME THAT TDCJ WONT GIVE SUCH MEDICATION AND THAT IT WOULD HAVE TO GO AWAY ON ITS OWN
- 92) ON 11-18-15 I WAS LAYED IN TO VISIT BARKER AND SHE SAID THE MD DOCTOR WANTS HER TO ORDER MIRALAX (ANTE# 90) AND THAT SHE WOULD BE ORDERING IT AND THAT I DIDN'T NEED ANY FOLLOW UPS FOR MY COMPLAINTS
- 93) I WAS ASKING FOR MEDICATION TO TREAT MY DIAGNOSE (ANTE# 86) GASTROENTERITIS AND COLITIS, BUT BARKER DENIED I HAD ANY INFECTION OR INFLAMATION
- 94) I CONTINUED TO SUBMITT SICK CALLS REQUESTING SUCH MEDICATION AND PAIN MEDICATION THAT WAS DISCONTINUED (ANTE# 77)
- 95) ON 11-24-15 I RECEIVED MY MEDICAL RECORDS FROM MY VISIT IN GALVESTON TEXAS HOSPITAL AND NOTICED THAT DEFENDANT BARKER WAS NOT FOLLOWING ANY OF THE MD DOCTOR RECOMMENDATIONS AND INTERFERING WITH MY MEDICAL TREATMENT (ANTE#89-#90)
- 96) I IMMEDIATELY FILED A MEDICAL COMPLAINT TO THE MEDICAL COORDINATOR ASSERTING THAT DEFENDANT BARKER IS REFUSING TO FOLLOW THE MD DOCTORS ORDER IN RETALIATION DUE TO MY EXERCISING MY RIGHTS TO GRIEVE THIS NEGLIGENCE AND MISTREATMENT AND UP TO DATE I HAVE NOT BEEN RECEIVING MY MEDICATION (SEE EXHIBIT X)
- 97) ON 12-1-15 I WAS FINALLY LAYED IN FOR A BLOOD TEST FOR VITAMIN D, BLOOD SUGAR, AND OTHER TEST(s) AND WAS TOLD THEY WERE LOW (SEE EXHIBIT Y)
- 98) ON 12-8-15 I HAD A ABDOMINAL ULTRASOUND AT GALVESTON TEXAS HOSPITAL WHICH INDICATED THAT MY SPLEEN IS BORDERLINED ENLARGE MEASURING 13 cm AND LUNGS MAIN PORTAL VEIN DEMONSTRATES HEPATOPETAL FLOW AND I WAS NEVER TOLD OF MY GIAGNOSIS UNTIL I RECEIVED MY MEDICAL REPORT ON MARCH 3,2016 (SEE EXHIBIT Z)

- 99) ON 1-22-16 I FINALLY HAD MY EYE EXAMINATION BY DEFENDANT'S STEELE AND BARKER AFTER I HAD BEEN SENDING SEVERAL SICK CALLS FOR MONTHS COMPLAINING OF BLURRY VISION AND EYE PAIN AND ALSO COMPLAINING OF ABDOMINAL PAINS AND,
- 100) MY HEALTH CONTINUES TO DETERIORATE AT AN EVER ESCALATING RATE AS IM SUFFERING FROM THE SIDE EFFECTS OF THE ANTIBIOTICS AND MY DIAGNOSIS HAVE BEEN LEFT UNTREATED WITH STOMACH INFECTION (SEE ANTE #12-#45-#75-#86)
- 101) I AM STILL LEFT WITH THE SAME MEDICATIONS (ANTE #12#32-#39-#40-#38) WHICH IS ONLY ELEVATING MY ABDOMINAL PAIN AND VOMITING, SWELLING THROAT AND DISCOLOR-ATION OF THE GUMS, AND;
- 102) (ANTE #42-#43) ABDOMINAL PAIN CONSTIPATION; (ANTE #37-#75) PELVIC PRESSURE; (ANTE #89-#90) MUSCULOSKELETAL; INTESTINAL INFLAMATION/CROHN DISEASE AND (ANTE # 99) BLURRY VISION AND(SEE EXHIBIT CAT)
- 103) DEFENDANTS MEDICAL PROVIDERS CONTINUE TO REFUSE TO TELL ME MY DIAGNOSIS AND THEY'VE ONLY PROVIDED ME WITH LITTLE INFORMATION TO ACCUMULATE FOR THIS COURT TO VIEW PROMPTING ME TO SHIFT FOR MYSELF
- 104) ALSO SEE MEMORANDUM BRIEF IN SUPPORT TO THIS CAUSE ATTACHED

RESPECTFULLY SUBMITTED,



DAVID TIJERINA # 1672548

C. Has any court ever warned or notified you that sanctions could be imposed? YES ~~XXX~~NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: DATE

DAVID TIJERINA # 1672548

David Tijerina
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 5th day of August, 20 16.
(Day) (month) (year)

DAVID TIJERINA # 1672548

David Tijerina
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.